THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.857 of 2007

25.1.2007

Between:

Komuram Bheem Gond Adivasi Vikas Bhavan, Kailasnagar, Adilabad, Represented by its President, Pendur Laxman, S/o.Bapu Rao

... Petitioner

AND

The District Collector, Adilabad, Adilabad District
And others

... Respondents

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ORDER:

The land admeasuring Acs.1.00 in survey No.21/1 situated at Kailasnagar in Adilabad, was originally allotted to an organization called DARE for the use of benefit of tribals. The building was constructed in 1994 and was being used as a home for aged. Subsequently, Komuram Bheem Gond Adivasi Vikas Bhavan, Kailasnagar, Adilabad (the petitioner) came into existence and started using the building constructed by DARE for social activities like marriages, meetings etc. It appears that the District Collector, Adilabad – first respondent herein; by letter No.D3/1122/2006, dated 30.12.2006 directed the third respondent to resume the building. Without any notice, the third respondent issued memo No.B/8525/99, dated 30.12.2006 directing the Mandal Revenue Inspector, Adilabad, to take possession of the land. Feeling aggrieved by the same, the present writ petition is filed seeking a writ of Mandamus declaring the action of the respondents as illegal and arbitrary.

Learned Assistant Government Pleader for Revenue (Assignment) does not dispute that the impugned memo was not preceded by any notice to the petitioner, who is allegedly using the building for conducting social activities for tribals. Therefore, insofar as the petitioner is concerned, the impugned order is unsustainable. This Court observes that the third respondent should issue notice to the petitioner, if it is in possession of the building, obtain explanation and then pass necessary orders. This observation would be sufficient redressal to the petitioner for the present.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

January 25, 2007.
YS